

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
AT CINCINNATI**

TEDDY NICHOLS,	)	Case No. C-1-02-0045
	)	
Plaintiff,	)	Judge Beckwith
	)	
v.	)	
	)	
INDIANA MICHIGAN POWER CO.	)	
RIVER TRANSPORTATION DIVISION	)	
and/or AMERICAN ELECTRIC FUEL	)	
SUPPLY, RIVER TRANSPORTATION	)	
DIVISION,	)	
	)	
Defendant.	)	
_____	)	

**DEFENDANT'S MOTION FOR CONTINUANCE**

COMES NOW Defendant, Indiana Michigan Power Co. River Transportation Division and/or American Electric Fuel Supply, River Transportation Division, and moves this Court for an Order amending the Notice filed October 16, 2003 setting the Final Pretrial Conference of this action for April 9, 2004 at 9:00 a.m. Defendant respectfully requests the Court reschedule the Final Pretrial Conference from April 5, 2004 to a date available to the Court and parties. This Motion is based upon the attached Memorandum.

Respectfully requested,

s/ **Todd M. Powers**

Todd M. Powers (#0027122)  
Attorney for Defendant  
**Schroeder, Maundrell, Barbieri & Powers**  
11935 Mason Road, Suite 110  
Cincinnati, Ohio 45249  
513-583-4212 Phone  
513-283-4203 Fax  
Email [tpowers@schroederlaw.com](mailto:tpowers@schroederlaw.com)

**MEMORANDUM**

\_\_\_\_\_The Final Pretrial Conference in the instant action is scheduled for 9:00 a.m. on April 9, 2004 in accordance with the Court's Notice filed October 16, 2003. Counsel for Defendant is scheduled to be out of the country on a family vacation during the time allotted for this conference with the Court. Defense counsel is available for participation in a Final Pretrial Conference on several dates thereafter.

For the foregoing reasons, Defendant respectfully requests the Court continue the Final Pretrial Conference in this matter currently set for April 9, 2004.

Respectfully requested,

\_\_\_\_\_  
**s/ Todd M. Powers**

Todd M. Powers (#0027122)

Attorney for Defendant

**Schroeder, Maundrell, Barbieri & Powers**

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Cincinnati, Ohio 45249

513-583-4212 Phone

513-283-4203 Fax

Email [tpowers@schroederlaw.com](mailto:tpowers@schroederlaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served upon the following counsel of record by electronic filing and/or ordinary U.S. mail on this 14th day of February, 2004.

Gary Wm. Baun, Esq.  
401 S. Old Woodward, Suite 320  
Birmingham, MI 48009  
**Attorney for Plaintiff**

s/ Todd M. Powers  
Todd M. Powers  
Attorney for Plaintiffs  
**Schroeder, Maundrell, Barbieri & Powers**  
11935 Mason Road, Suite 110  
Cincinnati, Ohio 45249  
513-583-4212 Phone  
513-283-4203 Fax  
**Email** [tpowers@schroederlaw.com](mailto:tpowers@schroederlaw.com)